

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

EUGENE F. MCNETT,

Plaintiff,

v.

VA MEDICAL CENTER,

Defendant.

Case No. 08-10674

Hon. Marianne O. Battani

Magistrate Judge Donald A. Scheer

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND DISMISSING COMPLAINT**

George Benton filed a complaint asserting a tort claim against an agency of the United States. The case was referred to Magistrate Judge Donald A. Scheer for all pretrial proceedings. See 28 U.S.C. § 636(b)(1). In a Report and Recommendation ("R&R") dated September 4, 2008, Magistrate Judge Scheer recommended that the complaint be dismissed for want of prosecution.

Under 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(2), a party seeking review of a magistrate judge's report and recommendation is required to act within ten days of service of the R&R. A party's failure to file objections waives any further right of appeal. Because Plaintiff filed no objection in this case, he has waived his right to *de novo* review and appeal.

Accordingly, the Court **ADOPTS** the Report and Recommendation and **DISMISSES** the complaint.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATE: September 30, 2008

CERTIFICATE OF SERVICE

Copies of this Order were mailed and/or e-filed to Plaintiff on this date.

s/Bernadette M. Thebolt
Deputy Clerk